

1662
1 BILL NO. ⁵X-79-10-02

2
3 SPECIAL ORDINANCE NO. S- 189-79

4 AN ORDINANCE authorizing the sale and execution
5 of deed to Saxon Industries, Inc., or its assignee
6 of certain real estate owned by the City of Fort
7 Wayne, Indiana.

8 WHEREAS, the City of Fort Wayne is the owner of certain
9 real estate in Fort Wayne, Indiana, described as follows, to-wit:

10 TRACT NO. 1

11 Part of the Southwest quarter of Section 4, Township
12 29 North, Range 12 East in Allen County, State of
13 Indiana, described as follows, to-wit:

14 Beginning at a point situated 106.0 feet South, 87
15 degrees and 35 minutes East, of the Northwest corner
16 of the Southwest quarter of the Southwest quarter of
17 Section 4, Township 29 North, Range 12 East in Allen
18 County, State of Indiana; thence North 88 degrees and
19 20 minutes East, 679.5 feet; thence South 1 degree and
20 40 minutes East 641.0 feet to the centerline of a public
21 thoroughfare known as "C" Street; thence South 88 degrees
22 and 20 minutes West 679.5 feet along the said centerline
23 of the public thoroughfare known as "C" Street; thence
24 North 1 degree and 40 minutes West 641.0 feet to the
25 place of beginning, containing 10.00 acres of land,
26 more or less, subject to building set-back lines,
27 road easements and easements for the installation,
28 maintenance, operation and use of all public or quasi-
29 public utilities or services as determined and set out
30 by the Board of Aviation Commissioners of the City of
31 Fort Wayne, Indiana,

32 TRACT NO. 2

33 Part of the Southwest quarter of Section 4, Township
34 29 North, Range 12 East in Allen County, State of
35 Indiana, described as follows, to-wit: Beginning at
36 a point situated 106.0 feet South, 87 degrees 35
37 minutes East of the Northwest corner of the Southwest
38 quarter of the Southwest quarter of Section 4, Town-
39 ship 29 North, Range 12 East in Allen County, State
40 of Indiana; thence North 1 degree 40 minutes West
41 147.0 feet; thence North 88 degrees 20 minutes East
42 1174.0 feet to the West right of way line of
43 Thirteenth Street in the Plan of Baer Field Municipal
44 Airport in the City of Fort Wayne, Indiana; thence
45 South 1 degree 12 minutes East 788.0 feet along the
46 said West right of way line of Thirteenth Street to
47 the centerline of "C" Street in the aforesaid Plan of
48 Baer Field Municipal Airport in the City of Fort
49 Wayne, Indiana; thence South 88 degrees 20 minutes
50 West 488.0 feet along the said centerline of "C" Street;
51 thence North 1 degree 40 minutes West 641.0 feet; thence
52 South 88 degrees 20 minutes West 679.0 feet to the point
53 of beginning, containing 11.17 acres of land, more or

1 less, subject to easements for the maintenance,
2 repair or replacement of all existing public or
3 quasi-public utilities and services and also subject
4 to easements over the Westerly 25.0 feet thereof for
5 the Easterly half of Seventh Street and over the
6 Southerly 25.0 feet thereof for the Northerly half
7 of "C" Street in the aforementioned Plan of Baer
8 Field Municipal Airport in the City of Fort Wayne,
9 Indiana.

10 WHEREAS, the said City through its Board of Aviation
11 Commissioners entered into leases of said tracts dated
12 September 13, 1955 and August 1, 1959 with Magna Engineering
13 Corporation (Tract No. 1 above) and Standard Packaging
14 Corporation (Tract No. 2 above); and

15 WHEREAS, the leasehold interest in said leases are both
16 currently vested in Saxon Industries, Inc., by virtue of certain
17 corporate mergers and assignments; and

18 WHEREAS, by addendum to said leases dated December 31,
19 1959, the lessee and assignee of the lessee under each of said
20 leases was given an option to purchase said real estate for the
21 appraised value thereof less all rent paid under said leases;
22 and

23 WHEREAS, on May 21, 1979 notice was given by Saxon Industries,
24 Inc., that it was exercising its option to purchase said real
25 estate in accordance with the terms of said leases and said
26 addendum thereto; and

27 WHEREAS, the City of Fort Wayne and its Board of Aviation
28 Commissioners are obligated under the terms of said lease and
29 the addendum thereto to complete the sale of said real estate
30 in accordance with the terms of the option and it is in the
31 best interest of the City of Fort Wayne and said Board of
32 Aviation Commissioners to complete said sale.

33 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
34 THE CITY OF FORT WAYNE, INDIANA:

35 SECTION 1. That the sale by the City of Fort Wayne, Indiana
36 of the above described real estate for not less than the appraised

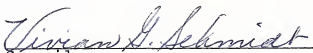
1 value, less all rent paid under said leases and the addendum
2 thereto be and hereby is authorized and approved.

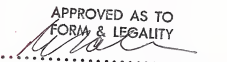
3 SECTION 2. That the Mayor of the City of Fort Wayne be,
4 and he is hereby authorized and directed in the name of and for
5 and on behalf of the City of Fort Wayne to execute a deed to
6 Saxon Industries, Inc. or its assignee for the parcels of real
7 estate hereinabove described upon payment by Saxon Industries,
8 Inc., or its assignee, of a sum equal to the appraised value of
9 said real estate less rents paid under said leases, such deed to
10 be in the form of a warranty deed and to be subject to the terms
11 and conditions as shall be considered necessary and advisable in
12 the best interest of the City of Fort Wayne. The signature of
13 the Mayor on such instrument shall be attested by the City Clerk
14 of the City of Fort Wayne, and accompanied by the seal of said
15 City.

16 SECTION 3. The proceeds of such sale shall be deposited
17 in the Aviation Fund of the City of Fort Wayne.

18 SECTION 4. This Ordinance shall be and constitute
19 sufficient authority for the Mayor and the City Clerk of the
20 City of Fort Wayne to execute such a deed and to do all things
21 incidental thereto or necessary therefor.

22 SECTION 5. This Ordinance shall be in full force and
23 effect from and after its passage.

24 
25 Vivian G. Schmidt
26 Councilperson

27
28 APPROVED AS TO
29 FORM & LEGALITY
30 
31 William N. Salin, City Attorney
32

Read the first time in full and on motion by V. Schmalz, seconded by Allen, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chamber, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 10-8-79

Charles W. Wintersman
CITY CLERK

Read the third time in full and on motion by Tungo, seconded by Talarico, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>0</u>	_____	<u>5</u>	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	<u>X</u>	_____
<u>HOSES</u>	_____	_____	_____	<u>X</u>	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	<u>X</u>	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 11-13-79

Charles W. Wintersman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE
(~~RESOLUTION~~) No. 1-189-79 on the 13th day of November, 1979.
ATTEST: (SEAL)

Charles W. Wintersman
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1979 at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Wintersman
CITY CLERK

Approved and signed by me this 19th day of November, 1979 at the hour of 1 o'clock _____ M., E.S.T.

Robert E. Armstrong
MAYOR

*Hold it
Oct 22
get Mr. Ross and
or Bill Salix
down to explain*

Bill No. S-79-10-02

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
authorizing the sale and execution of deed to Saxon Industries, Inc.,
or its assignee of certain real estate owned by the City of Fort
Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance ADO PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WILLIAM T. HINGA - VICE CHAIRMAN

JAMES S. STIER

JOHN NUCKOLS

DONALD J. SCHMIDT

Vivian G. Schmidt

William T. Hinga

James S. Stier

John Nuckols
Donald J. Schmidt

11-13-79
DATE _____ CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK